

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, :

-against- :

11 CR 857 (WFK)

WILBER BAIREES, *et al.* :

NOTICE OF MOTION

Defendants. :

**ORAL ARGUMENT
REQUESTED**

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PLEASE TAKE NOTICE that, upon the attached affidavit and exhibits, the accompanying Memorandum of Law, and all prior papers and proceedings, defendant JOSE CELESTINO GUILLEN-RIVAS will move this Court before the Honorable William F. Kuntz, II, United States District Court Judge, on _____, 2013, at 9:30 a.m., or as soon thereafter as counsel may be heard, at the United States Courthouse located at 225 Cadman Plaza East, Brooklyn, New York, for an Order:

(1) pursuant to Fed. R. Crim. Pro. 12(b)(3)(A) and (D), granting a severance of counts and defendants;

(2) pursuant to Fed. R. Crim. Pro. 12(b)(3)(C), suppressing post-arrest statements on the ground that they were obtained in violation of the United States Constitution;

(3) granting relief pursuant to motions submitted on behalf of co-defendants, in which we join to the extent applicable; and

(4) granting such other and further relief as the Court may deem just and proper.

Yours, etc.

/s/

Jeremy Gutman
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Attorney for Defendant
Jose Celestino Guillen-Rivas